

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

RICHARD C. CURRAN,	:	Case No.: 4:04cv2526
Plaintiff	:	Judge Jones
	:	
v	:	
	:	
MILLERSTOWN BOROUGH, et al.,:	:	
Defendants	:	

ORDER

September 1, 2005

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

Stanley J. Brassington, Esq. (“Brassington”), counsel for Plaintiff, Richard C. Curran (“Plaintiff”) has filed a Motion to Withdraw as Counsel (doc. 13) in this matter. Brassington indicates therein that the Plaintiff has not cooperated with him, in particular as to certain discovery requests. Although Brassington does not reference this fact, the Court is aware that there are pending criminal homicide charges lodged against Plaintiff which have resulted in his incarceration. Because of Plaintiff’s status, we will not proceed in our customary fashion, which would be to schedule a hearing in order to allow Plaintiff to be heard in person with respect to Brassington’s desire to withdraw as his counsel. To do so would be impractical, and in addition would create a burden upon law enforcement given the nature of the charges against Plaintiff. We will, however, allow Plaintiff to respond in writing to

Brassington's Motion. If Plaintiff fails to oppose the Motion, or in the event that any objections raised by him are without merit, Brassington shall be permitted to withdraw as Plaintiff's counsel.

ACCORDINGLY, WE ENTER THE FOLLOWING ORDER:

1. Plaintiff Richard C. Curran's counsel of record Stanley J. Brassington, Esquire, shall forthwith serve a copy of the Motion to Withdraw as Counsel together with this Order upon Plaintiff at his place of incarceration, and shall file proof of service or otherwise confirm receipt by Plaintiff on the docket.
2. Plaintiff shall be provided 20 days from his receipt of the Motion and Order to file any written opposition to the Motion with the Clerk of this Court.
3. Should Plaintiff fail to oppose the Motion, or in the event that any objections raised by him to Brassington's withdrawal are without merit, the Motion shall be granted.

s/ John E. Jones III
John E. Jones III
United States District Judge